

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION) **MDL 2804**
THIS DOCUMENT RELATES TO:)
PBM Bellwether Cases) **Case No. 1:17-md-2804**
) **Judge Dan Aaron Polster**
) **ORDER**
)

On May 22, 2024, the Court held a video conference with the PBM Defendants' counsel and client representatives, the PBM Bellwether Plaintiffs' counsel and law directors, and the Plaintiffs' Executive Committee, to discuss recent submissions by the parties indicating they are struggling to work together.

To facilitate collegiality among counsel and client representatives, the Court will resume holding monthly, in-person status conferences in the Carl B. Stokes Federal Courthouse, Courtroom 18B. The practice of holding in-person status conferences was instituted at the MDL's inception but discontinued due to the Covid pandemic. These in-person conferences were very successful at allowing the parties and their counsel to more effectively and efficiently work out their differences, both with and without the Court's help. The Court concludes that the PBM Defendants' counsel and client representatives, the PBM Bellwether Plaintiffs' counsel and law directors, the PEC, and the Court itself will all benefit from getting to know one another in person, under Court supervision.

For now, the Court will hold in abeyance the PBM Defendants' Motion for a Protective Order (docket no. 5442) and the PBM Bellwether Plaintiffs' Motions for Sanctions (docket no. 5443). The Court directs the parties to redouble their efforts to work out their differences. The

adversarial process does not need to be antagonistic. The Court's highest priority is the orderly administration and resolution of these cases. If the parties and their counsel cannot find common ground on procedural and discovery obligations and start working together to advance this litigation in an orderly fashion, the Court will be forced to consider sanctions against counsel and/or parties, to bring obstreperous or vexatious parties in line.

The first in-person PBM Bellwether Status Conference is scheduled for **June 25, 2024, at 3:00 PM** in the Carl B. Stokes Federal Courthouse, Courtroom 18B in Cleveland, Ohio.

The Court also discussed the related issues of the PBM Defendants' Motions to Dismiss for Lack of Jurisdiction (docket nos. 5368 and 5446) and the Court's earlier directive that each PBM Defendant Family must litigate its case under a single corporate moniker. The Court was advised that the parties were working towards a proposal that would resolve both of these issues. Accordingly, the parties should continue to work towards a resolution.

IT IS SO ORDERED.

/s/ Dan Aaron Polster May 23, 2024
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE